

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL OWEN GARDNER,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 1:24-cv-00933-JLT-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME

(ECF Nos. 11, 12)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On September 11, 2024, the Court screened Plaintiff's complaint, found no cognizable claims, and granted Plaintiff one final opportunity to file an amended complaint, if he believed he could do so in good faith. (ECF No. 8.) Plaintiff has failed to file an amended complaint and the time to do so has passed. Accordingly, on October 22, 2023, the Court issued an order for Plaintiff to show cause why the action should not be dismissed for failure to prosecute, failure to comply with a court order, and failure to state a cognizable claim for relief. (ECF No. 11.)

On October 23, 2024, Plaintiff filed a motion for an extension of time to file an amended complaint. (ECF No. 12.) Therein, Plaintiff submits that this is his second request for an extension of time to submit an amended complaint. (Id.) However, Plaintiff is advised that the

1 Court never received a prior request for an extension of time and no request was filed on the
2 docket. Nonetheless, on the basis of good cause, the Court will discharge the order to show
3 issued on October 22, 2024, and grant Plaintiff an extension of time to file an amended complaint.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. The order to show cause issued on October 22, 2024 (ECF No. 11) is
6 DISCHARGED;
- 7 2. Plaintiff is granted thirty (30) days from the date of service of this order to file an
8 amended complaint; and
- 9 3. Failure to comply with this order will result in a recommendation to dismiss the
10 action for failure to comply with a court order, failure to prosecute, and failure to
11 state a cognizable claim for relief.

12 IT IS SO ORDERED.

13 Dated: **October 24, 2024**

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15 UNITED STATES MAGISTRATE JUDGE